HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO:7511 of 2000

Dated: 26-09-2007

Between:

Habeebunnisa

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AND

The District Collector,
Hyderabad,

..... Resp

Counsel for the petitioner : Sri N.Gangadhar
For Ashok Anand Kumar

Counsel for the respondents : A.G.P. for Assignments

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.7511 of 2000

O R D E R:

This writ petition is filed for a writ of mandamus to quash proceedings No.C2/102/1/97 dated 23.1.2000 issued by respondent whereby he rejected the application filed by petitioner for regularization of encroachment of Government land on payment of market value as per G.O.Ms.No.508 Revenue (Assmt.I) Department, dated 20.10.1995 read with G.O.Ms.No.972, Revenue (Assmt.I) Department, dated 4.12.1998 to the extent of 110 square yards situated in T.S.No.11/2 & 3, Block-Q, Ward 37 of Mallepally village.

The petitioner claims that her husband purchased a house bearing municipal No.10-1-1188/A, A.C.Guards, Hyderabad admeasuring 73.33 square yards (61.32 square metres) from Ms.Tayyaba Khan through a registered sale deed and that the said property was gifted orally by her husband in her favour. The petitioner pleads that the Government of Andhra Pradesh issued G.O.Ms.No.331 dated 21.4.1991 providing for regularization of the encroachments which are unobjectionable as on 1.1.1985 with a cut of date on 1.1.1991, subject to the conditions enumerated in the said G.O. Though the petitioner made an application to the District Collector for regularization of the encroachments, the same was rejected. Therefore, she filed the present writ petition.

Heard Sri N.Gangadhar, learned counsel representing Sri Ashok Anand Kumar, counsel for the petitioner, and learned Assistant Government Pleader for Assignments for respondents.

A reading of the order dated 23.1.2000 impugned in this writ petition shows that the petitioner's application for regularization was rejected after placing the same before the District Level Committee in its meeting held on 21.12.1998 on the ground that the property in respect of which regularization is sought is Government Ex-Military Quarters and that the same is required for public purpose.

In the light of the said reason for rejection, it is not possible for this court to adjudicate whether the property in respect of which regularization is sought

is a private property or ex-military quarters as held in the impugned order. Therefore, this dispute cannot be decided in a writ proceedings.

Hence, the writ petition is dismissed. However, liberty is given to the petitioner to approach the civil Court for determination of the true nature of the property in order to claim benefit under said Government Orders.

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C.V.NAGARJUNA REDDY,J

Date:26.09.2007
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